

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE NO. 2013- 318

AN ORDINANCE ADOPTED UNDER THE HOME RULE POWERS GRANTED TO CLAYTON COUNTY PURSUANT TO ARTICLE IX, SECTION II, PARAGRAPH I OF THE CONSTITUTION OF THE STATE OF GEORGIA OF 1983, AMENDING THE CLAYTON COUNTY CODE OF ORDINANCES, SPECIFICALLY, RELEVANT SECTIONS OF THE CLAYTON COUNTY, GEORGIA PUBLIC EMPLOYEE RETIREMENT SYSTEM; TO REPEAL CONFLICTING LAWS, ORDINANCES AND RESOLUTIONS; AND TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County and the Clayton County Water Authority maintain the Clayton County, Georgia Public Employee Retirement System (Pension Plan) (the "Plan") by an Act of the General Assembly of the State of Georgia, which originally became effective as of July 1, 1971;

WHEREAS, the Plan was last amended and restated by Ordinance No. 2013-125 of the Clayton County Code of Ordinances;

WHEREAS, the Clayton County Pension Board recommended the approval of the restatement of the Plan at its November 14, 2013 meeting;

WHEREAS, the Board of Commissioners now wishes to amend and restate the Plan primarily to consolidate amendments made subsequent to the last amendment and restatement of the Plan by Ordinance No. 2008-222 and to provide restated plan documentation to the Internal Revenue Service in connection with seeking an updated

favorable determination letter pursuant to Internal Revenue Service Revenue Procedure 2013-6 (or any successor guidance); and

WHEREAS, the restatement of the Plan also contains clarifications pertaining to the manner in which average monthly compensation is determined for benefit calculation purposes; the qualifications for certain death benefits and the eligibility of certain classes of employees.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY

AND IT IS HEREBY ORDAINED:

Section I. By the authority granted to Clayton County pursuant to Article IX, Section II, Paragraph I of the Constitution of the State of Georgia of 1983, the Board of Commissioners hereby amends the Clayton County Code of Ordinances, as amended, by amending and restating the Plan, generally effective as of July 1, 2013, in substantially the manner set forth in the instrument entitled the “Clayton County, Georgia Public Employee Retirement System (Pension Plan)” attached hereto as Exhibit “A” and incorporated herein.

Section II. In the event any section, paragraph, subpart, sentence, clause, phrase or word of this Ordinance shall be declared or adjudged unconstitutional or invalid by any Court, such declaration or adjudication shall not affect the remaining portions of this Ordinance which shall remain in full force and effect as if the portions declared invalid or unconstitutional had never been enacted into law.

Section III. All laws, ordinances or resolutions, or parts thereof, in conflict with provisions of this Ordinance are hereby repealed.

Section IV. This Ordinance shall become generally effective as of the date provided herein upon its approval by the Board of Commissioners after the second reading of the Ordinance, provided the same receives an affirmative vote of three or more members, and provided further that a copy of the Ordinance has been published in the

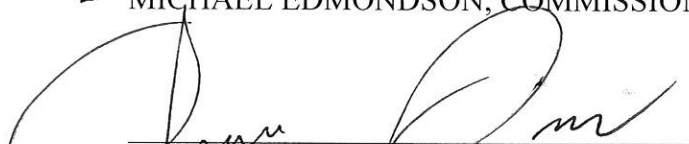
official organ of Clayton County and filed with the Secretary of the State of Georgia as required by law.

SO ORDAINED, this the 7th day of January 2014.


CLAYTON COUNTY BOARD OF COMMISSIONERS


JEFFREY E. TURNER, CHAIRMAN



MICHAEL EDMONDSON, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


GAIL B. HAMBRICK, COMMISSIONER


SHANA M. ROOKS, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK